



CR 80 34

BE

## LETTER CODES

DATE (DOCUMENT NO.)	IV. PROCEEDINGS (continued)	PAGE TWO	V. EXCLUDABLE DELAY		
			Interval Section II (a)	Start Date End Date (b)	Ltr. Code (c)
2-8-80	APPLICATION for Order to compel dft to furnish handwriting exemplars w/brf & Order (Thompson)				
2-12-80	REMOVAL warrant, cert cy dkt sheet, inform sheet & Waiver of Removal Hrg fm ND of OK (Ret Acknowledgment of receipt of docs--lv)				
2-12-80	RETURN of Warrant exec 2-8-80				
2-12-80	RETURN on Warrant of Removal exec 2-12-80				
2-19-80	APPEARANCE of Roy W. Byars on behalf of dft				
2-19-80	MOTION to Strike Prelim Hrg by dft w/Brf				
2-19-80	ENT ORDER striking Prelim Hrg set 2-20-80, 2:00 pm on dft's Mtn to be reset by further order (Lindsey) lv--ws				
2-19-80	ORDER for Psychiatric Exam & for USM to transport dft for exam as specified by Order & for complete rpt to be made to ct (Daugherty) ve--ws				
2-19-80	FINANCIAL AFF by dft				
2-19-80	MOTION by dft for Judicial Determination of Mental Competency				
2-22-80	RETURN by USM on Order to Trans dft to Dr. Prosser for psychiatric exam				
3-4-80	INDICTMENT				
3-3-80	PSYCHIATRIC RPT of Dr. Prosser--ws				
3-5-80	CJA 21 on behalf of Dr. Moorman P. Prosser in amt of \$180.00 (Appvd--Daugherty)				
3-7-80	ENT ARRAIGNMENT: dft apps in per w/pri cnsl; is fully apprised ents plea of NOT GUILTY; plea accepted & referred to Prob Ofcr; given until 3-14-80 to file mtns; plf to respond by 3-21-80; on jury dkt wk of 4-14-80; [REDACTED] (Howland) na				
3-11-80	JURY: 4-14-80, 9:30 am (Daugherty) ve				
4-1-80	ENT ORDER trans case to Judge Eubanks (Daugherty) ve				
3-31-80	MEMORANDUM of Reciprocal Discovery of dft (Appvd--Pritchett)				
4-3-80	PRAECIPE for & Issd 2 subps in blank on behalf of dft				
4-3-80	ORDER that ct finds dft understands the nature of chgs against him & is mentally competent for all purposes to stand trial, & trial of case is to proceed (Daugherty) ws				
4-3-80	ENT EVID HRG ON DETERMINATION OF MENT COMPT: dft pres in person; ct reviews order calling for a psych examin; cnsl has recd cy of Dr. Prosser's rpt; by agreemt of cnsl rpt is adm in evidence; no addl evid to be presented; cnsl do not wish to cr examine Dr. Prosser; ct finds dft ment compt to stand trial & orders trial to proceed; govt to prepare order (ment compt at this time); dft rem to USM (Daugherty) ve				
4-8-80	PRAECIPE for & Issd 4 subps & 2 subps DT				
4-10-80	MARSHAL'S ret re subp to test to Henry Johnson (exec 4-9-80)				
4-11-80	ENT ORDER trans case to Judge West (Eubanks) dk--ws				
4-14-80	MARSHAL'S ret re Subp to Test to Cynthia Crossland (unexec); & Lance Trimmer (exec 4-9-80)				
4-14-80	ENT JURY TRIAL: dft apps in per; ptys announce ready; jury duly empaneled & admonished; rule invoked on dft's mtn; plf makes opening stmts; plf presents case in chief w/test of wits; plf's exhs 1-15 adm; dft's exhs 1 & 2 adm; plf rests;				

## FINE AND RESTITUTION PAYMENTS

DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER

For identifying Period of Excludable Delay per 18 USC § 3161(h)

A. Examination or hearing for mental or physical incapacity (18 U.S.C. 4244).

B. NARA Examination (28 U.S.C. 2802).

C. State or Federal trials on other charges.

D. Interlocutory Appeals.

E. Hearings on pretrial motions.

F. Transfers from other districts (per F.R.Cr.P. Rules 20, 21 &amp; 40).

G. Defendant Motion is actually under advisement. Period of up to 30 days is excludable per 3161(h) (1) (G).

H. Miscellaneous Proceedings: Probation or Parole revocation, Deportation, Extradition.

I. Prosecution deferred by mutual agreement.

M. Unavailability of defendant or essential witness.

N. Period of mental or physical incompetence of defendant to stand trial.

O. Period of NAPA Commitment or Treatment.

P. Superseding indictment and/or new charges.

R. Defendant awaiting trial of co-defendant when no severance has been granted.

T. Continuances Granted per 3161(h) (6) (i.e. ends of justice or complexity of case outwitting defendant's interests).

U. Time between guilty plea and plea withdrawal.

W. Grand Jury indictment extended per 3161 (b).

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET U. S. vs

COINER, ROBERT EUGENE

80 80-00034 01-1  
Yr. Docket No. Def.

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
	(Document No.)				
4-14-80	(CONTINUED) -- dft's mtn for Judgm of Acquittal denied; dft makes opening stmt; dft presents case in chief w/test of wits; ct adjourns to 9:00 am on 4-15-80 (West) ar				
4-14-80	PROPOSED INSTRUCTIONS of Govt--ws				
4-15-80	ENT FURTHER JURY TRIAL: dft apps in per; ptys announce ready; closing args; ct instructs jury; bailiff sworn; jury retires to deliberate at 9:53; jury rets w/verdict of GUILTY at 10:31; is dischgd; case ref'd to Prob Ofc; dft remanded to USM to await sentencing (West) ar				
4-15-80	NOTE from Jury				
4-15-80	VERDICT of GUILTY /s/ Ray Summers, Foreman				
4-17-80	LETTER fm dft to ct stating intentions to file an appeal & req'g ct apptd atty				
4-17-80	MARSHAL'S ret re Subp to Prod Doc or Obj to Keeper of Records, <u>Soldier of Fortune Magazine</u> (exec April 1980)				
4-21-80	LETTER fm dft to ct req'g audience w/judge and 1tr from court to dft denying same w/o presence of dft's atty, govt atty & ct rptr & for dft to confer w/his legal cnsl (West) ws				
4-22-80	MARSHAL'S ret re Subp to Test to Frank L. Belletire (exec 4-11-80)				
4-28-80	MARSHAL'S ret re Subp to Prod Doc or Obj to Hazel Hartz (exec 4-9-80)				
5-2-80	LETTER to ct fm Sandi Hudson praising dft's character				
5-2-80	MOTION of dft for New Trial w/ltr attchd--ws				
5-2-80	MOTION by dft for New Trial--ws				
5-2-80	MOTION by dft to Dismiss Indict--ws				
5-2-80	MOTION by dft for Discovery Producing Evidence--ws				
5-8-80	MOTION by dft to Dism Indict w/ltr attchd				
5-8-80	MOTION by dft for Discovery & Producing Evid				
5-8-80	SENTENCING: 5-13-80, 1:00 pm (West) ar				
5-13-80	ENT SENTENCING: dft apps in per w/pri cnsl; dft & cnsl ea asked if there is any reason why sent should not be imposed & if they are to say anything before sent is imposed; stmts made; no cause to the contrary being shown, it is the judgm & order of ct that dft be sent to cust of AG for 2 yrs on ct 1; dft advised of right to appeal; appeal bond set in amt of \$20,000.00 C/S; remanded to USM; dft's mtn for new trial is denied & dft's mtn to dism indict is denied (West) ar				
5-13-80	ORDER of Judgment & Commitment (West) (CROB 43)				
5-13-80	NOTICE of dft of Intent to Appeal--ws				
5-13-80	STIPULATION as to Contents of Record on Appeal				
5-13-80	MOTION for Lv to File in FP				
5-13-80	ORDER grtg lv to proceed on appeal in FP (West) ws				
5-14-80	LETTER of Clk re service of notice of appeal, w/cy ltr, notice of appeal & dkt sheet to cnsl & CCofA <b>40-1500</b>				
5-15-80	NOTICE of Transcript Order				
5-19-80	MOTION of dft for Transcript				
5-19-80	MOTION of dft for New Hrg				
5-19-80	MOTION of dft to Reconsider Order				
5-23-80	MARSHAL'S ret re Order of Judgm & Commit: dft del to FCI, Texarkana, TX on 5-20-80				

AO 256A

Interval  
(per Section II)Start Date  
End DateLtr. Total  
Code Days

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
5-19-80	(Document No.) NOTICE of Appeal fm Judgment & Commitment				
6-13-80	REPORTER'S TRANSCRIPT of Jury Trial Proceedings Commencing 4-14-80				
6-18-80	CLERK'S LETTER trans Record on Appeal to CCA (no costs: FP) (CCA #80-1500) (cert 9497519) ws				
6-4-80	MOTION of dft for Default Judgment (w/ltr to dft attchd)				
7-14-80	CJA 21 in amt of \$447.50 on behalf of Steve Plumbtree, CSR (Appvd--West)				
8-4-80	✓ POST-CONVICTION Filing Notification				
8-4-80	MOTION of dft to Vacate, Set Aside, or Cor Sent by a Per in Fed Cust--28:2255--ws				
8-7-80	ORDER denying dft's mtn purs to 28:2255 (West) (CROB 44)				
10-17-80	MOTION of dft for Bond Reduction (unsigned)				
10-17-80	ENT ORDER denying dft's Mtn for Bond Red (West) ar--ws				
11-6-80	NOTICE of Appeal of Denial of Bond Reduction				
11-6-80	ORDER Grtg Lv to Proceed on Appeal in FP (West)				
11-7-80	CLERK'S Letter re Service of Notice of Appeal to CCA w/cys				
11-7-80	Notice of Appeal, dkt sheet & ltr--ws				
11-19-80	ORDER to prepare supple record on appeal when transcript is lodged--by 12-1-80 if poss/s/ Howard K. Phillips <del>#80-1500</del>				
11-28-80	CLERK'S LETTER trans Record on Appeal re Denial of Bond Red to CCA (no costs: FP) (CCA # <del>80-2199</del> ) (cert 9497 536) ws				
12-1-80	REPORTER'S TRANS of Sent Proceedings Had 5-13-80				
3-25-81	CLERK'S LETTER trans Supple Record on Appeal consisting of 2 vols (no clsts--FP) (cert 9497538) ws <del>#80-1500</del>				
3-25-81	PETITION of dft to Clarify Bond Amt, or, in the Alternative, to Reduce--ws				
3-25-81	ENTER ORDER denying dft's Mtn to Reduce & that records indicate bond was set in amt of \$20,000.00 (West) rw--ws				
4-6-81	NOTICE OF APPEAL fm Order Denying Dft's Mtn to Reduce & Correct				
4-6-81	CLERK'S Letter re Service of Notice of Appeal to CCA w/cys				
4-7-81	Notice of Appeal & Dkt Sheet--ws				
5-7-81	CLERK'S Letter Trans Record on Appeal to CCA consisting of 1 vol (CCA 9497547) (CCA <del>81-1411</del> ) ws				
5-7-81	OPINION of CCA				
5-7-81	MANDATE of CCA dismissing appeal on bond (Barrett, McKay, Logan) (CCA No. 80-2199) ws				
MAY 18 1981	Received orig. Appeal record from CCofA				
8-10-81	OPINION of CCofA				
8-10-81	MANDATE (Dismissed purs to Rule 9 on the Ct's own Mtn) (Barret, McKay & Logan) (CCofA 81-1411)				
10-2-81	OPINION of CCofA				
10-2-81	MANDATE (affirming jdgmt of Ct) (CCofA 80-1500) (Barrett, Seymour, & Brown)				
NOV 12 1981	Received orig. Appeal record from CCofA				
8-17-82	WRT OF ERROR, by dft, 'Coram Nobis' Post Conviction Application--ws				
8-19-82	ORDER denying dft's appl for a writ of error coram nobis & Clk directed to forward to dft forms as prescribed by this Ct for filing 2255 mtns w/this order (West)--ws				
8-30-82	NOTICE of Appeal & Appeal fm Ct's Order of 8-19-82 Denial of Dft's Wirt of Error Coram Nobis--ws				

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(per Section II)Start Date  
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UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET U. S. vs

COTNER, ROBERT EUGENE

80 80-00034 lof1  
Yr. Docket No. Def.

DATE	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
9-1-82	CLERK'S LTR re servicing of Appeal w/cpys to CCofA, USA & dft				
9-2-82	CLERK'S LTR trans Record on Appl consisting of 1 Vol (orig & cpy as is in FP) (Cert #1373961) (CCofA # 82-1072) kb-ws				
9-17-82	MOTION by dft Purs to 28:2255 to Vacate, Set Aside or Correct Sent by a Person in Fed Cust				
9-17-82	POST-CONVICTION Filing Notification-wwm civ 82-1516-R				
9-22-82	ORDER denying dft's 2255 motion (West) (CROB 48)				
9-28-82	ENTER ORDER trans Civ 82-1516-R to Jdg. West (Russell)ve				
10-4-82	APPEAL by dft of Order of 9-22-82--ws (CCofA 82-2258)				
10-4-82	ORDER Grntg Leave to Proceed on Appl in FP--ws				
10-5-82	CLK'S LTR re servicing Notice of Appl w/cpys ltr, dkt sht to USA & dft (forms to dft) (CCofA )				
10-8-82	CLK'S LTR trans Record on Appeal w/cpys of ltr & index to USA & dft -kb				
12-21-82	OPINION of CCofA				
12-21-82	MANDATE (AFFIRMED) (Seth, Barrett & McKay) (CCofA 82-2072)				
12-21-82	Received orig. Appeal record from CCofA #82- 2072				
3-3-83	OPINION of CCofA				
3-3-83	MANDATE (AFFIRMED) (SETH, BARRETT & MCKAY) (CCofA 82-2258)				
3-15-83	PETITION for Expungement, by dft -w/s				
3-17-83	PETITION for Re-Enstatement of 2255 Mtn, by dft -w/s				
4-7-83	LETTER fm CCofA notifying that the Ptn for Writ of Cert filed 3-18-83 has been assigned Supr Ct No. 82-6409 (CCofA 82-2258)				
4-7-83	LETTER fm CCofA notifying that the Ptn for Writ of Cert filed 3-11-83 has been assigned Supr Ct No. 82-6403 (CCofA 82-2072)				
4-25-83	LETTER to Clk that petn for writ of cert was denied by an order of the Supr Ct on 4-18-83 /s/HKP (CCofA #82-2072)				
5-9-83	LETTER to Clk that petn for writ of cert was denied by an order of the Supr Ct on 5-2-83 /s/HKP (CCofA #82-2258)				
9-08-83	Received orig. Appeal record from CCofA #82-2258				
09-27-84	ORDER that all exhs be w/drw w/i 15 days or may be destroyed (WEST)wf				
01-30-85	RECEIPT for Exhs of plf 1/16 thru 1/15; all exhs not w/drw destroyed (CLERK)lr				
07-24-85	AGREED Mtn for Release of PS Report, by dft				
07-29-85	ORDER grntg dft's mtn for release & directing re- lease of a cpy of the PS Report (WEST)rw				
09-26-85	MOTION to Allow Plf to Testify Before Federal Grand Jury, by dft w/s				
08-27-85	MOTION to Correct Presentence Report, or to Expunge it from Record, by dft				
09-12-85	MOTION for Appointment of counsel and Brief in Support, by dft				

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